

110TH CONGRESS
1ST SESSION

H. R. 310

To amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. PEARCE introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “NPS Concessions Re-
5 form Act of 2007”.

1 **SEC. 2. ANNUAL GROSS RECEIPTS.**

2 Section 403(8) of the National Park Service Conces-
3 sions Management Improvement Act of 1998 (16 U.S.C.
4 5952(8)) is amended—

5 (1) by amending subparagraph (A)(ii) to read
6 as follows:

7 “(ii) Subject to subparagraph (C), concessions
8 contracts with anticipated annual gross receipts
9 under \$750,000, such amount to be adjusted annu-
10 ally to reflect changes in the Consumer Price Index
11 as of the date of the enactment of this clause. An
12 incumbent concessions contract holder with another
13 concessions contract with annual gross receipts of
14 \$750,000 or more, not including an outfitting and
15 guide concession contract, is not eligible for the
16 right authorized by paragraph (7).”; and

17 (2) in subparagraph (C), by striking
18 “\$500,000” and inserting “\$750,000, such amount
19 to be adjusted annually to reflect changes in the
20 Consumer Price Index as of the date of the enact-
21 ment of the NPS Concessions Reform Act of 2007”.

22 **SEC. 3. DEBRIEFING.**

23 Section 403(5) of the National Park Service Conces-
24 sions Management Improvement Act of 1998 (16 U.S.C.
25 5952(5)) is amended by adding at the end the following:

1 “(D) DEBRIEFING.—The Secretary shall pro-
2 vide to any person, corporation, and other entity
3 that submitted a proposal and who was not awarded
4 a proposed concessions contract a debriefing as to
5 why they were not selected as submitting the best
6 proposal for that concessions contract. Such debrief-
7 ing must be requested and must be made within 90
8 days of the award of the concessions contract. The
9 Secretary shall not be required to disclose any pro-
10 prietary information of the person, corporation, or
11 other entity that was selected as submitting the best
12 proposal and awarded the concessions contract.”.

13 **SEC. 4. LEASEHOLD SURRENDER INTEREST AND SOURCE**
14 **OF FUNDS.**

15 Section 405(a)(2)(A) of the National Park Service
16 Concessions Management Improvement Act of 1998 (16
17 U.S.C. 5954(a)(2)(A)) is amended by inserting after “pur-
18 suant to this title” the following: “and may be pledged
19 as security for other National Park Service contracts
20 using a combination of leasehold surrender interest if
21 holding one or more contracts with the National Park
22 Service, and the proceeds resulting from such pledged se-
23 curity shall not be restricted for use in the park or parks
24 for which the leasehold surrender interest was pledged”.

1 **SEC. 5. COMMERCIAL USE AUTHORIZATION.**

2 Section 418 of the National Park Service Concessions
3 Management Improvement Act of 1998 (16 U.S.C. 5966)
4 is amended—

5 (1) in subsection (c), by adding after “author-
6 ized use.” the following: “Such uses shall be subject
7 to limitations and fees comparable to those that may
8 be imposed on other authorization holders for the
9 same or similar activities.”;

10 (2) by amending subsection (e), to read as fol-
11 lows:

12 “(e) DURATION.—The term of any authorization, not
13 subject to limited numbers pursuant to (b)(2)(D), shall
14 not exceed 5 years. Where it is determined that only lim-
15 ited numbers of authorizations shall be issued, the term
16 of such authorizations shall not exceed 5 years. Such au-
17 thorizations may be issued to those applicants that have—

18 “(1) demonstrated the capability to provide
19 quality visitor services; and

20 “(2) experience with the resources and values in
21 the park unit for which the authorization is issued.”;
22 and

23 (3) by adding at the end the following:

24 “(g) COST RECOVERY.—The Secretary shall not seek
25 to recover costs from applicants or authorized holders re-

- 1 lated to capacity studies and recreation activities and mon-
- 2 itoring not associated with authorizations.”.

